



**VETERINARY MEDICAL BOARD**  
**REGISTERED VETERINARY TECHNICIAN COMMITTEE**  
2005 EVERGREEN ST., SUITE 2250, SACRAMENTO, CA 95815-3831  
TELEPHONE: (916) 263-2610 / FAX: (916) 263-2621  
WEBSITE: <http://www.vmb.ca.gov>



## **LIEN LAW**

IF THE AMOUNT DUE FOR VETERINARY SERVICES HAS NOT BEEN PAID WITHIN 10 DAYS AFTER THE PAYMENT HAS BECOME DUE, THE ANIMAL IS CONSIDERED LIENED.

A veterinarian, while holding an animal until payment for veterinary services is received, **is** entitled to be reimbursed: (1) for the value of food and shelter provided to the animal after it is ready to be claimed by the owner; and (2) for costs incurred in preserving the animal from an unexpected or unusual injury, or for a concealed defect.

If a veterinarian is concerned about the payment for professional services, a retainer or deposit may be obtained before the services are rendered. A veterinarian may also consult with a private attorney for advice on various securities which might be required or other methods by which debts for veterinary services might be collected.

The law authorizes the veterinarian to sell a lienied animal. However, the veterinarian must give at least 10 and no more than 20 days notice to the owner prior to sale. The proceeds of the sale must be applied to the discharge of the lien and the cost of keeping the animal. The remainder, if any, must be paid to the legal owner.

**A veterinarian cannot kill an animal which has been lienied, they can only sell it.** A veterinarian who threatens to kill a lienied animal is subject to prosecution by the Board under Code Section 4883(g) – unprofessional conduct.

A client is initially responsible for their veterinary bill, whether or not they have a dispute with it. To avoid having their animal sold, a person may put the bill on their charge card, borrow money, sell something to get the money, or even make a “business arrangement” with the veterinarian. The client may later dispute the bill in small claims court.

## **ABANDONMENT LAW**

According to the statutory abandonment provisions (Civil Code Sections 1834.5 and 1834.6), IF AN ANIMAL IS NOT PICKED UP WITHIN 14 DAYS AFTER IT WAS DUE TO BE PICKED UP, IT IS CONSIDERED ABANDONED. ONCE THE ANIMAL IS DETERMINED TO BE ABANDONED, THE VETERINARIAN MUST KEEP THE ANIMAL AN ADDITIONAL 10 DAYS WHILE ATTEMPTING TO FIND IT A NEW OWNER.

If after 24 days (the initial 14 days plus the additional 10 days) the legal owner has not retrieved the animal or the veterinarian has been unable to locate a new home for the animal, the veterinarian may humanely destroy the animal in compliance with the notice requirements and formalities of these Civil Code sections.

If an animal is first considered to be lienied, the animal would change from being lienied to being abandoned when: (1) the veterinarian had given the owner of the animal express notice that the lien right was being relinquished and that the animal could be picked up on a specific date; and (2) the owner of the animal had not picked up the animal or otherwise contacted the veterinary facility within 14 days after the date specified in the veterinarian’s notice of relinquishment.

When an animal is first considered to be abandoned, a veterinarian’s legal right to charge for food, shelter and medical treatment depends on the terms of the oral or written contract between the owner and the veterinarian. In the absence of any specific agreement, there is an implied contract to pay a reasonable amount for services requested.

An animal **cannot** be considered to be abandoned if the owner contacts the veterinary facility or gives notice of intent to retrieve the animal **within the initial 14-day period**, even though the veterinarian’s bill has not been paid. If, however, the animal is considered abandoned and the owner contacted the veterinarian, the 14-day period begins to run from the day, arranged during the recontact, on which the animal was to be picked up.

## Summary of Lien vs. Abandonment

Description	Lien	Abandonment
Legal time parameters to take action (days)	10 - 10 - 20	14 - 10
Notice to legal owner to either lien or abandon the animal	Certified letter	Certified letter
Notice to public to sell the animal	3 places	no
Hospital can charge for boarding the animal	yes	no
Hospital can charge for providing medical treatment of animal	yes	no
Veterinarian can humanely euthanize the animal	no	yes
Veterinarian can put the animal up for adoption	yes	yes
Veterinarian can sell the animal	yes	no
Legal owner can be reached, but does not want to pay	yes	no
Legal owner cannot be reached	no	yes
Legal owner can be reached, but does not respond	yes	no
Owner may redeem animal 20 days after the sale	yes	no
Veterinarian can charge 12% interest per annum for duration of lien	yes	no
Veterinarian can release the animal and pursue case in small claims court	yes	no